

the Examples 1-5 of Forstinger et al disclose a diazotization process wherein a benzothiazole compound is reacted to place a diazonium group on the compounds.

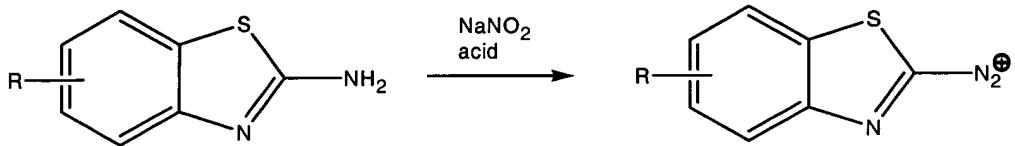
Applicants respectfully traverse the rejection and submit that the present invention is not anticipated by Forstinger et al. The diazonium compounds obtained by the reaction described in Forstinger et al are benzothiazoles having a diazonio group at the 2nd position. On the other hand, the diazonium salts of claims 1-3 of the present invention have a diazonio group at the 4th, 5th, 6th or 7th position, i.e., claim 1 recites "at least one of R³, R⁴, R⁵ and R⁶ represents the diazonio group". Therefore, the compounds of Forstinger et al and the diazonium salts of claims 1-3 of the present invention are different from each other.

The compounds of the present invention and the compounds of Forstinger et al have different properties as well. When a diazonium salt has a diazonio group at the 4th to 7th position as in the present invention, the thermal stability of the diazonium salt is high, and therefore, it is easy to synthesize or isolate the diazonium salt. In addition the absorption wavelength of the diazonium salt of the present invention is in a long wavelength, and therefore, the diazonium salt is suitable for use in the present invention. On the other hand, when a diazonium salt has a diazonio group at the 2nd position like the compounds of Forstinger et al, the thermal stability of the diazonium salt is low, and therefore, it is not easy to synthesize or isolate the diazonium salt. The absorption wavelength of the diazonium salt having a diazonio group at the 2nd position is in a short wavelength region.

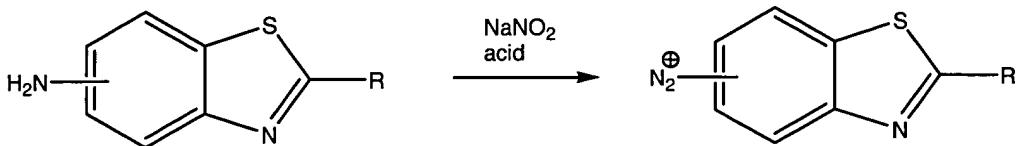
Even further, as explained below, the starting materials for the synthesis of the compound are different between Forstinger et al and the present invention. Therefore, one of

ordinary skill in the art would not consider the reaction disclosed in Forstinger et al to inherently form compounds within the scope of present claims 1-3.

Specifically, Forstinger et al discloses the diazotization reaction of 2-aminobenzothiazole compound, and the diazonium compound obtained by the reaction is a benzothiazole compound having a diazonio group at the 2nd position. According to the condition disclosed in Forstinger et al, a diazo group is introduced only to the 2nd position, since the diazonio group is introduced by oxidizing an amino group.



On the other hand, since the diazonium salts of claims 1-3 of the present invention have a diazonio group at any of the 4th, 5th, 6th and 7th positions of the benzothiazole ring, in order to obtain the diazonium salts of claims 1-3 of the present invention by oxidizing an amino group, a compound having an amino group at any of the 4th, 5th, 6th and 7th positions should be used as a starting material.



Accordingly, one of ordinary skill in the art cannot synthesize the compounds of claims 1-3 of the present invention based on the disclosure of Forstinger et al.

In view of the above, Applicants respectfully submit that Forstinger et al does not disclose, teach or suggest the present claimed invention. Accordingly, Applicants respectfully requests withdrawal of the rejection.

II. Allowed Claims

In paragraph 4 of the Action, claims 4-20 are allowed.

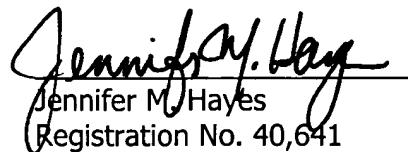
Applicants thank the Examiner for the early indication of allowed claims.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Jennifer M. Hayes
Registration No. 40,641

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: August 22, 2005